

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 533

Introduced by Senator Knight

February 21, 2013

An act to amend Section ~~25202 of, and to add Section 25202.2 to,~~ 25200 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 533, as amended, Knight. Alcoholic beverages: beer labels.

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. The act also provides for specified labeling requirements for containers of alcoholic beverages sold within this state, and ~~prohibits the obliteration, mutilation, or marking out of a manufacturer's name on returnable beer containers or cartons made of wood or fiber board, as specified~~ *requires that all beer sold in the state have a label affixed to its package or container with the true and correct name and address of the manufacturer of the beer and the true and correct name of the bottler of the beer if other than the manufacture.*

This bill would ~~authorize a beer manufacturer, other than the beer manufacturer, importer, or wholesaler identified on the returnable beer container's or carton's label, to refill the container or carton if the original label on the container or carton is removed and replaced by the refilling beer manufacturer, as provided~~ *require a beer manufacturer that refills any container supplied by a consumer to affix a label, as specified, on the container prior to its resale to the consumer. The bill*

would require information concerning any beer previously packaged in the container, including, but not limited to, information regarding the manufacturer and bottler of the beer, to be removed or completely obscured in a manner not readily removable by the consumer prior to resale.

The Alcoholic Beverage Control Act provides that a violation of its provisions is a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 25200 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 25200. (a) All beer sold in this ~~State~~ *state* shall have a label
- 4 affixed to the package or container thereof, ~~upon which shall appear~~
- 5 ~~the true and correct name and address of the manufacturer of the~~
- 6 ~~beer, and also the true and correct name of the bottler of the beer~~
- 7 ~~if other than the manufacturer. No manufacturer, importer, or~~
- 8 ~~wholesaler of beer shall use a container or carton as a package or~~
- 9 ~~container of a beer other than such beer as is manufactured by the~~
- 10 ~~manufacturer whose name or brand of beer appears upon the~~
- 11 ~~container or carton, or use as a package or container of a beer a~~
- 12 ~~container or carton which bears the name of a manufacturer of~~
- 13 ~~beer or the brand of any beer other than those of the manufacturer~~
- 14 ~~of the beer contained in the container or carton. containing the~~
- 15 ~~following information:~~
- 16 (1) *Information as required by Section 7.22 of Title 27 of the*
- 17 *Code of Federal Regulations.*
- 18 (2) *The government warning as required by Section 16.21 of*
- 19 *Title 27 of the Code of Federal Regulations.*
- 20 (3) *The true and correct name and address of the manufacturer*
- 21 *of the beer, and also the true and correct name of the bottler of*
- 22 *the beer if other than the manufacturer.*

1 (b) A manufacturer, importer, or wholesaler of beer shall not
2 use a container or carton as a package or container of a beer other
3 than the beer as is manufactured by the manufacturer whose name
4 or brand of beer appears upon the container or carton, or use as
5 a package or container of a beer a container or carton which bears
6 the name of a manufacturer of beer or the brand of any beer other
7 than those of the manufacturer of the beer contained in the
8 container or carton.

9 (c) A beer manufacturer that refills any container supplied by
10 a consumer shall affix a label that complies with this section on
11 the container prior to its resale to the consumer. Any information
12 concerning any beer previously packaged in the container,
13 including, but not limited to, information regarding the
14 manufacturer and bottler of the beer, shall be removed or
15 completely obscured in a manner not readily removable by the
16 consumer prior to the resale of the container to the consumer.

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

26 ~~SECTION 1. Section 25202 of the Business and Professions~~
27 ~~Code is amended to read:~~

28 ~~25202. (a) Except as provided in subdivision (b) and Section~~
29 ~~25202.2, manufacturers' names, brand names, print, or markings~~
30 ~~first placed on returnable beer containers or cartons made of wood~~
31 ~~or fiber board shall not be obliterated, mutilated, or marked out~~
32 ~~without the written consent of the manufacturer whose name,~~
33 ~~brand, or printed markings is to be obliterated, mutilated, or marked~~
34 ~~out.~~

35 ~~(b) This section does not apply to wood or fiber board containers~~
36 ~~or cartons of a beer manufacturer who has discontinued business~~
37 ~~and production and is no longer a licensed beer manufacturer.~~

38 ~~SEC. 2. Section 25202.2 is added to the Business and~~
39 ~~Professions Code, to read:~~

1 ~~25202.2.—A returnable beer container or carton may be refilled~~
2 ~~by a beer manufacturer other than the beer manufacturer, importer,~~
3 ~~or wholesaler identified on the container's or carton's label if the~~
4 ~~previous beer manufacturer's, importer's, or wholesaler's name,~~
5 ~~brand name, print, or markings are obliterated, mutilated, or marked~~
6 ~~out by the refilling beer manufacturer. The refilled container or~~
7 ~~carton is subject to the label requirements contained in this article.~~

8 ~~SEC. 3.—No reimbursement is required by this act pursuant to~~
9 ~~Section 6 of Article XIII B of the California Constitution because~~
10 ~~the only costs that may be incurred by a local agency or school~~
11 ~~district will be incurred because this act creates a new crime or~~
12 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
13 ~~for a crime or infraction, within the meaning of Section 17556 of~~
14 ~~the Government Code, or changes the definition of a crime within~~
15 ~~the meaning of Section 6 of Article XIII B of the California~~
16 ~~Constitution.~~